Memorandum

TO: Sunshine Reform Task Force

FROM: Tom Manheim

SUBJECT: Fees for Programming Expenses

DATE: June 6, 2008

Background: Section 5.2.4(C) of the Sunshine Reform Task Force Phase II Report and Recommendations proposes to establish a standard hourly fee to be charged by the City "for responding to any request for public information that either (1) is produced only at otherwise regularly scheduled intervals, if the interim production of the report cannot be achieved without a substantial burden on City staff; or (2) requires the City to write programming language or extract data that would not otherwise be extracted." However, the per hour rate was left blank and the Task Force agreed to permit staff to recommend what that standard rate should be.

Analysis: This analysis assumes that the fee should be based upon cost recovery—which is consistent with the City's current policy as well as Sections 6253.9 (a) and (b) of the California Public Records Act. If so, fees for any computer programming and data extraction required to respond to CPRA requests should reflect the hourly wage rates for the employees who must perform these activities. The required skills and expertise, and thus the wage rate(s), can vary from situation to situation depending upon several factors including but not necessarily limited to:

- The nature of the request (i.e., what information is requested in what format);
- The type of system involved (e.g., accounting system versus geographic information system); and/or
- The rigidity versus openness of the system (rigidity increases the difficulty in extracting data in ways not already designed into the system).

Three requests received in the last twelve months illustrate the effect that such variations can have upon data extraction costs:

- One request sought information from the Department of Public Works Geographic Information System (GIS). Responding to this request took 6 hours of work from one employee for a charge of $232.
- Another request—this one for information from the City's financial system regarding employee salaries from past years—required four employees in four different classifications and wage rates working from one to eight hours each for a total charge of $1,720.
- Another yet more complex request to identify and extract information from the City e-mail system would have required three Information Technology Department employees

representing three separate classifications and wage rates working eight to thirty-five hours at a total cost of $4,640.

Conclusion: The high degree of variation in the costs of responding to CPRA requests that require computer programming and data extraction makes the establishment of a standardized hourly fee for performing this work not feasible. The establishment of such a fee would result in some requestors being undercharged while others would be overcharged, the latter of which would be contrary to the California Public Records Act and current City policy.

Recommendation: Continue to charge for actual costs of programming/data extraction.